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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.

23 UBER TECHNOLOGIES, INC.;  
24 OTTOMOTTO LLC; OTTO TRUCKING  
25 LLC,

26 **PLAINTIFF WAYMO LLC'S  
27 ADMINISTRATIVE MOTION TO FILE  
28 UNDER SEAL ITS MOTION TO  
EXCLUDE OTTO TRUCKING'S  
DAMAGES EXPERT JAMES  
MALACKOWSKI PURSUANT TO RULE  
702**

29 Defendants.

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Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Motion to Exclude Otto Trucking’s Damages Expert James Malackowski Pursuant to Rule 702 and *Daubert* (“Waymo’s Motion”), filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Waymo’s Motion (“Waymo’s Motion”)	Highlighted in Blue	Defendants
Exhibit 1 to Waymo’s Motion	Highlighted in Blue	Defendants

### I. **LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

### II. **DEFENDANTS’ CONFIDENTIAL INFORMATION**

Waymo seeks to seal these documents only because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Waymo takes no position on the merits of sealing Defendants’ designated material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

### III. **CONCLUSION**

In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

DATED: September 16, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

By /s/ Charles K. Verhoeven

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Attorneys for WAYMO LLC